

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VON BORSTEL

Atty. Ref.: LCM-1331-334

Serial No. 09/763,955

TC/A.U.: 1623

Filed: February 28, 2001

Examiner: Patrick T. Lewis

For: COMPOSITIONS AND METHODS FOR TREATMENT OF
MITOCHONDRIAL DISEASES

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September 27, 2010

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Your petitioner, Wellstat Therapeutics Corporation, a corporation having an office and place of business/residing at 930 Clopper Road, Gaithersburg, MD 20878 represents that it is the assignee, as evidenced by the copy of the executed assignment submitted simultaneously herewith, which assignment has been submitted for recordal in the USPTO on September 27, 2010, of the entire right, title and interest in and to Application Serial No. 09/763,955, filed February 28, 2001, for COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from Application Serial No. 09/930,494 and the owner hereby agrees that any patent so

granted on the above-identified application shall be enforceable only for and during such period that it and any patent granted on Application Serial No. 09/930,494 is commonly owned, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of any patent issuing from Application Serial No. 09/930,494 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the common ownership stated above.

The evidentiary documents accompanying this document or referred to above have been reviewed by the undersigned and it is certified that to the best of the assignee's knowledge and belief, title is in the assignee seeking to take action.

Check either box 1 or 2 below, as appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☒ The undersigned is an attorney or agent of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wellstat Therapeutics Corporation

By: /Leonard C. Mitchard/

Leonard C. Mitchard

29,009

Date: September 27, 2010

☒ **Terminal disclaimer fee under 37 C.F.R. § 1.20(d) included.** If missing, the Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.